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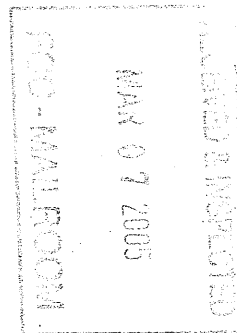
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March 3, 2005

Mr. Mark Van Bergh
2538C South Arlington Mill Drive
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In re: WAER (FM), Syracuse, NY
Syracuse University
Facility ID No. 64354
License Application BLED-19950203KA
Renewal Application BRED-19980202ZE



Mr. Van Bergh:

1. This letter refers to the above-captioned applications for license and renewal, respectively for WAER (FM), Syracuse, NY. Numerous informal objections and complaints have been filed against these applications due to blanketing interference caused by the operation authorized by construction permit BMPED-19930802IA, granted June 23, 1994.¹

2. We have conducted a thorough review of the pleadings and here address all the salient matters that merit consideration in deciding whether the license and renewal applications should be granted.² However, on the basis of the information before us, we cannot conclude at this time that Syracuse University's efforts to resolve the blanketing interference sufficiently satisfy the requirements of Section 73.318 of the Commission's rules. We direct Syracuse University to submit a further pleading to summarize its efforts to date and to demonstrate how its efforts constitute "effective technical assistance" to residents within and without the blanketing interfering contour, as explained below. The scope of the requested pleading shall be limited to the single topic of interference to over-the-air reception of radio and television services whose

¹ A list of the objectors and petitioners is contained in the attached Service List. We note that Dr. Oldfield has filed pleadings on behalf of himself, jointly with John Felleman and Dana Brownlie, and later as the sole representative of the South East University Neighborhood Association (SEUNA). In this letter we identify pleadings submitted by Oldfield for himself by the short form "Oldfield" and the joint filing by the form Oldfield/Felleman/Brownlie. Similarly filings made by SEUNA before Dr. Oldfield became its sole representative are identified below as "SEUNA", while pleadings submitted by Dr. Oldfield as the representative of SEUNA -- which often overlap Oldfield's own pleadings -- as "Oldfield/SEUNA."

² Because of the large number and size of pleadings and complaints received to date, this letter does not attempt to respond to every point raised by the objectors or Syracuse University. Nevertheless, we do consider here all the issues that could affect the outcome of these applications.

licensed service areas cover the areas where interference is being experienced. To clarify where we stand in our review and also because several types of issues recur in pleadings filed by different parties, we begin by addressing and disposing of several issues of lesser significance that have been raised in the various objections, including some matters addressed by earlier staff letters that still persist.

3. **Environmental Concerns.** Oldfield/SEUNA in its January 13, 2002 letter for the first time raised allegations that the Commission made a procedural error in 1993 in not requiring Syracuse University to file an Environmental Assessment (EA) with its then-pending construction permit application BMPED-19930802IA. Oldfield/SEUNA correctly states that Syracuse University checked the "No" box in its 1993 construction permit application about whether the facility would have been a major action under Section 1.1307,³ but Oldfield now alleges that the "No" answer was incorrect. According to Oldfield/SEUNA, an Environmental Assessment was required because the WAER transmitter site is adjacent to Oakwood Cemetery, which was said to be listed in the National Register of Historic Places in 1991. Syracuse University responds that this latest allegation of Oldfield/SEUNA is grossly untimely, and that the University had properly stated in its 1993 construction permit application that the facility would have no impact on any place in the National Register of Historic Places.

4. We reject Oldfield/SEUNA's belated characterization of this issue. Oldfield/SEUNA does nothing more than allege that Syracuse University's answer was false, and fails to state what local circumstances it believes applied at that time which would have caused the constructed facility to have been considered a major environmental action under Section 1.1307. Neither has Oldfield/SEUNA presented any specific claim or evidence that the undertaking here – construction of WAER's transmission tower – would have any effect on the characteristics that qualified the Oakwood Cemetery for listing in the National Register of Historic Places. Moreover, Oldfield/SEUNA does not explain why it did not raise this issue for proper consideration prior to grant of the construction permit. It appears that Oldfield/SEUNA could have done so through the exercise of ordinary diligence, particularly when the record clearly indicates that at least Oldfield was well aware of the construction permit application before it was granted. As Syracuse University points out, Oldfield/SEUNA does not explain why it waited 7½ years after the issuance of the construction permit to raise this issue for the first time. On the basis of the information before us, we cannot conclude that the WAER tower will have a significant impact on the quality of the human environment on these grounds, and will deny Oldfield/SEUNA's allegations on this issue.

5. **Radiofrequency (RF) Exposure.** Oldfield reiterates his contention that the WAER operation causes excessive exposure to radiofrequency emissions, but fails to provide supporting evidence backing this assertion. We have examined this issue and have determined that the operation, singly and in combination with collocated WJPZ-FM, complies with the Commission's RF guidelines, as set forth in OET Bulletin No. 65, August 1997. Both stations operate from towers mounted atop a building (Day Hall) that is 29 meters tall, and there is no public access to the roof level. WAER employs a half-wave spaced antenna, which is designed to minimize downward emissions. Our review indicates that the WAER and WJPZ operations

³ In its 1993 construction permit application, WAER responded to the environmental question as follows:

According to Note 1 of Section 1.1306(b)(3) of the FCC Rules, the use of existing buildings is an environmentally desirable alternative to the construction of new facilities, and such uses are categorically excluded from environmental processing provided that the proposed facilities would not affect districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture, that are listed or are eligible for listing in the National Register of Historic Places, and would not cause human exposure to radiofrequency radiation in excess of applicable health and safety standards which are set forth in Section 1.1307(b). The WAER transmitter site is not in an area that would affect any of the objects or sites outlined above.

remain compliant with the Commission's regulations concerning RF exposure, and that the public is amply protected from excessive RF exposure, and thus the filing of an Environmental Assessment (EA) under Section 1.1307 is not required based on RF considerations. Oldfield's allegations concerning radiofrequency exposure will be denied.

6. Spurious Emissions. Oldfield has, at various times, submitted spectrum analyzer measurements to support his recurring contention that the combined operations of WAER and WJPZ cause harmful spurious emissions, particularly on 89.9 MHz (WRVO's frequency) and 87.5 MHz. Oldfield's measurements were made at his home, approximately ¼ mile from the transmitter site. As a result of his initial measurements, the University purchased and installed a filter on the WJPZ-FM transmission system, and when that did not satisfactorily eliminate the intermodulation product, a second filter was procured that eliminated the 89.9 MHz spur.⁴ The University then retained the broadcast engineering firm Denny and Associates to confirm that its operations were now in compliance with Section 73.317. The spurious emission on 89.9 MHz was found to be sufficiently attenuated to comply with the requirements of Section 73.317, and no other improper spurious emissions were noted. On April 8, 1999 David Vigilone and Gene Stanbro of the FCC's Buffalo Field Office conducted spurious emissions measurements, with the cooperation of WAER and WJPZ-FM, and similarly concluded that these stations were operating in compliance with Section 73.317, with emissions at 87.5 MHz, 89.9 MHz, and 176.6 MHz suppressed by 100 dB, 105 dB, and 94 dB respectively. Despite this contrary evidence, Oldfield/SEUNA continues to insist that harmful spurious emissions are being emitted by these stations. On March 23, 2000, Dr. Oldfield submitted measurements made at his home during the same time period that FCC personnel were making measurements at the transmitter site, indicating that spurious emissions still existed at 87.5 MHz and 89.9 MHz. Oldfield has made repeated requests to make measurements at the WAER/WJPZ-FM transmitter site, but these requests have been denied by the University. Most recently, in its January 13, 2002 filing, Oldfield/SEUNA indicates that it had commissioned Mr. G. Burton Harold, a registered Professional Engineer in the state of New York, to conduct spurious emissions measurements. Mr. Burton concluded that at 176.6 MHz there is an intermodulation product is only suppressed by 60.99 dB, not 80 dB as required by Section 73.317.⁵ Syracuse University submitted Dr. Oldfield's spurious emissions filings to be reviewed by professional broadcast consulting engineers, who concluded that the spurious emissions found by Dr. Oldfield were possibly produced by poor spectrum analyzer techniques.

7. Dr. Oldfield's spurious emissions measurements do not creditably establish the presence of spurious emissions from WAER or WJPZ-FM. Generally, spurious emissions caused by intermodulation are most likely to emanate from the transmission systems of one or the other station, and it is at the transmitter site that the spurious emissions will be strongest. Yet successive measurements by a professional broadcast consulting engineering firm and by the FCC's Field Office after the installation of the notch filter on WJPZ-FM's transmission system failed to find any spurious emissions in excess of the limits set forth in Section 73.317.⁶ Moreover, SEUNA's own Professional Engineer did not indicate the presence of any spur on 87.5

⁴ After installation, the filter was removed by WJPZ-FM without the University's knowledge. The filter was reinstalled by January 4, 1997 and has remained in place for the past six years. The reinstallation occurred before spurious emissions measurements were made by the engineering firm Denny and Associates and separately by the FCC's Buffalo Field Office.

⁵ Mr. Harold's spurious emissions measurements made no reference to any emissions on 87.5 MHz.

⁶ Section 73.317 does not require the elimination of all spurious emissions, just that any emissions be less than specified limits. It is telling that when WJPZ-FM resumed operations on September 1, 2002 after remaining silent since May 4, 2002 (per Special Temporary Authority), as well as being silent at intervals since then, no complaints of new interference were received from any source. Clearly, any intermodulation products that might still be measured are very limited in their potential to cause interference.

D MHz,⁷ which would be the only spurious emission with the potential for direct interference to television reception on cable channel 6 (82 – 88 MHz).⁸ Consequently, Oldfield/SEUNA's allegations on this issue will be denied.

8. Dr. Oldfield has repeatedly complained that Syracuse University has steadfastly refused his requests for access to the WAER / WJPZ-FM transmitter site to conduct his own spectrum analyzer measurements. The FCC's rules do not require Syracuse University or WJPZ Radio, Inc. to give access to non-FCC personnel to WAER's or WJPZ-FM's transmission equipment even for the limited purpose of taking measurements. Broadcast station equipment can cause severe injury or death if improperly connected or employed. Syracuse University and WJPZ-FM, Inc. remain responsible for the safe operation of the broadcast stations' radio equipment and the safety of the personnel using it, and these licensees may incur liability if they do not do so. We have no information that would suggest that either of the stations are being maintained in less than a professional manner.

9. **WRVO complaints.** The form letters collected by WRVO, Oswego, NY which were submitted to the Commission on April 29, 1988 do not merit denial of either WAER's license application or its renewal application. Many of the form letter complaints appear to be attributable to the intermodulation product on 89.9 MHz (WRVO's frequency) which was eliminated on December 4, 1997 by the Syracuse University's reinstallation of the notch filter on WJPZ-FM's transmission system. Many of the remaining form letters specify receiver locations centered around the WAER/WJPZ-FM transmitter site. This area is outside the 60 dBu protected service contour of WRVO. The Commission's rules for noncommercial educational stations only afford protection from interference out to a station's 60 dBu contour.⁹ Beyond that contour, interference may be received from other stations. Such complaints do not indicate improper operation by WAER but may be anticipated by normal application of the Commission's rules. Accordingly, WRVO's collected form letters, when treated as an informal objection, will be denied.¹⁰

10. **Interference to Cable Television Reception.** When WAER commenced operations in 1995, complaints of interference to cable television reception were received by several of the parties in this proceeding. By letter dated April 20, 1995 the staff directed Syracuse University to correct interference being caused to the cable television headend (where television signals are picked up for cable distribution). That letter also directed the cable television company (then owned by Adelphia Cable Communications, now Time-Warner) and homeowners to cooperate with Syracuse University's efforts to resolve the interference problems. Subsequently, on February 8, 1996 Adelphia filed its own objection to WAER's license

⁷ The alleged spur at 176.6 MHz does not fall within the TV Channels 5, 6, or 9 television bands, and so is unlikely to be a cause of any interference reported in this proceeding. We cannot give much weight to Mr. Harold's figure of 60.99 dB suppression at 176.6 MHz since we have no information about how or where the measurements were performed, or under what conditions with what equipment.

⁸ 87.55 MHz is the frequency of the sound carrier for television Channel 6. A signal arriving on 87.5 MHz could theoretically result in interference to Channel 6 reception, which would cause the FM stations' signal to be audible when tuned to television Channel 6. However, it could not result in interference to over the air reception of Channel 5, which operates in the band 76 – 82 MHz.

⁹ See 47 CFR Section 73.509.

¹⁰ Most listeners to WRVO in Syracuse are not without service. Since June of 1999, a satellite station of WRVO in Syracuse has been replicating WRVO's programming on 90.3 MHz (Channel 212). That satellite station, WRVD, provides an additional signal available in much of the area around WAER. (Oldfield/SEUNA complains in its October 18, 2004 pleading that the presence of WRVD removes one channel for use by a "local community station", a position we must reject as purely speculative inasmuch as no application was ever filed for such operation.)

application, claiming that the interference problems were not caused by faults in its cable system, and that it had received over 400 complaints. Adelphia acknowledged that converter boxes between the cable and the television set eliminated the interference, but indicated that it charged subscribers a monthly fee for renting the converter boxes.¹¹ WTVH, licensee of TV Channel 5 in Syracuse, NY, separately complained of interference to its cable television position at Adelphia's cable channel 6. Syracuse University responded that it was tending to cable television complaints, but that it believed that the interference was being caused by ingress of the FM signal into the cable television system due to poor shielding of cables, and specifically questioned whether the blanketing rule (Section 73.318) applied to cable television systems. Syracuse University assembled a "kit" which it claimed would eliminate the interference, but Adelphia was reluctant to use it to resolve interference.

11. Through the staff's letter dated October 20, 1997, we asked Adelphia and WTVH to determine whether the Channel 5 signal (which was retransmitted as cable television Channel 6) was being received without interference at the cable headend, and whether a channel substitution on the cable TV system might be a possible means of eliminating interference on cable channel 6 (82 to 88 MHz). Adelphia responded on November 28, 1997 that no interference to reception of WTVH's Channel 5 signal was being received at the cable television station's headend, that changing WTVH's position on Channel 6 on the cable system was not feasible as the other channels were already in use, and that it had received 1750 complaints and made 409 service calls as of that date. Adelphia indicated that Syracuse University's "kit" merely consisted of a 2 foot shielded cable with connectors, to be connected from the VCR to the television set, and that it had made available only 100 such kits, far less than the number of complaints received.¹² WTVH separately argued that Syracuse University must be held responsible for correcting the interference on cable television.

12. On December 4, 1997 Syracuse University reiterated its position that the blanketing rule Section 73.318 did not cover interference to cable television systems, but stated that it was working to resolve such complaints anyway. The staff's December 31, 1998 letter agreed with Syracuse University, stating as follows:

Based on our examination of the record, we conclude that the interference to cable TV reception at issue in this case is not covered under the Commission's blanketing rules. Part 15 of the Commission's rules provides that "unintentional radiator[s]" such as cable TV converter equipment and other TV terminal devices attached to cable systems may not cause harmful interference and that interference to such devices caused by the operation of an authorized radio station must be accepted. 47 C.F.R. § 15.5(b), *see id.* at 15.3 (Definitions). Thus, the Commission's list of proposed devices covered by the *Blanketing NPRM*, 11 FCC Rcd 4759, includes cable TV system head-ends, but no other component of cable TV systems: once the off-the-air [TV] signal has entered the cable system through the head-end to be distributed to individual subscribers via cable, it is no longer protected by the blanketing rules. As stated [in the December 31, 1998 staff letter], there is no dispute in this case that the subject interference to cable TV reception is *not* occurring at the cable TV system head-end. ...Therefore, for the purposes of the blanketing interference rules, the University has no responsibility for resolving the subject interference to cable TV reception. (Footnote omitted.)

13. In his February 26, 1999 pleading, Oldfield contends that the exclusion of cable television complaints is "unfair" to the "many individuals [who] have had to subscribe to cable TV because of their inability to receive an adequate TV broadcast signal, particularly Channel 5." Oldfield believes that the Commission

¹¹ These boxes, according to Adelphia, also precluded some advanced television features such as picture-in-picture, making these features less attractive to users.

¹² In this same filing, Adelphia indicated that the cable system was being transferred to Time-Warner.

should at least identify those cable TV subscribers who have basic cable service only because of blanketing interference and include them in the ranks of those complaints that Syracuse University must address.¹³

14. We reject Oldfield's modified request for selective protection for cable television subscribers. The December 4, 1997 staff letter fairly characterized the issue of radio interference to cable television systems. As long as the cable headend does not receive interference – and the pleadings before us show clearly that it does not – it is the cable system operator who must prevent ingress of the radio station's signal into the cable system.¹⁴ Therefore, such complaints must be remedied by the cable system operator, not the radio station. That cable converter boxes are able to eliminate the interference at the television set, and Syracuse University's apparent (and at least partial) success with its "kit", strongly suggests that technical solutions are available to the cable company should that company actively pursue them.¹⁵ Lastly, Oldfield's contention that a spurious emission on 87.5 MHz could be responsible for cable television interference on cable channel 6 must be rejected since no party other than Oldfield has been able to find a spur on this frequency.¹⁶ Accordingly, insofar as the objectors' pleadings relate to interference on the cable television system, those pleadings will be denied.

15. **Telephone Interference.** In the staff's October 20, 1997 letter, we addressed the subject of interference to telephones as follows:

Hard-wired telephones are considered non-RF devices under § 73.318 and as such are not covered by this rule. The parties should direct complainants to contact the telephone company if interference originates in the wiring, or the telephone manufacturer if the telephone itself is the cause. Cordless telephones are covered by Part 15 of the Commission's Rules [see § 15.3(j) for cordless telephone system definition]. Section 15.5(b) states, in pertinent part, that cordless telephones may not cause harmful interference and that interference to cordless telephones caused by the operation of an authorized radio station must be accepted.

¹³ Oldfield does not describe how such a system might be set up or fairly administered.

¹⁴ There are many cable systems across the country that serve subscribers within the blanketing interfering contour of strong FM stations, but we are not aware of any cable system with problems of FM interference as widespread as reported for this system in Syracuse, NY.

¹⁵ On September 8, 2000, John P. Wong, Chief of the Engineering and Technical Services Division, Cable Services Bureau, FCC responded to a letter from Oldfield regarding his cable television reception, stating as follows:

The cable system has a responsibility to its subscribers to provide a good quality signal under Section 76.605 of the Commission's Rules, and it is in the best interest of the cable system operator to do so. I would expect any ingress to the system that is conducted by the cable plant would be eliminated by the cable system, as it would affect multiple subscribers. However, ingress at the receiver due to high signal strengths in close proximity to a broadcast transmitter would need to be resolved by the owner of the receiver, in conjunction with the broadcaster where the Commission's blanketing rules apply, Section 73.318 of the Commission's Rules. We believe that proper shielding and filtering of the receiver will be necessary to correct such problems.

¹⁶ See the Spurious Emissions section above. The fact that no one has been able to find a spur on 87.5 MHz (including the FCC's Field Office and Oldfield/SEUNA's own hired consultant) suggests that (a) the spur measured by Oldfield may be created by some unrecognized source close to or within Oldfield's measurement equipment, or (b) the spurious emission is of such a low magnitude that it falls within the limits set in Section 73.317, and is therefore unlikely to have a widespread interference effect. Consequently, moving the 100 watt WJPZ-FM to another site, as Oldfield and Oldfield/SEUNA repeatedly suggest, would have no practical effect on reducing interference. As we noted above in Footnote 6, there has been no reported change in interference during those periods when WJPZ-FM was off the air for extended periods.

That letter concluded that interference to telephones is not covered by the blanketing rule, and that no consideration of such interference would be considered in our review of Syracuse University's interference reduction efforts. Nevertheless, we encouraged Syracuse University to continue efforts to eradicate telephone interference. Toward that end, Syracuse University provided complainants with an information sheet explaining several steps to try where interference exists.¹⁷

16. Nevertheless, Oldfield/SEUNA's October 18, 2004 still continues to complain about interference to telephones and related devices despite our prior decision on this issue. Consequently, we here reiterate that WAER is not required to correct interference to telephone equipment, and we will deny those objections to the contrary.¹⁸

17. **Non-Radiofrequency (RF) equipment.** SEUNA and Oldfield/SEUNA, as well as numerous individual complainants, indicate that interference exists to non-RF devices such as recording equipment and computer speakers. However, usually it is the devices themselves that create such interference: the electronics or cable runs in these devices are not sufficiently shielded or designed to reject unwanted radiofrequency signals. For this reason, non-RF devices are specifically excluded from protection by Section 73.318,¹⁹ as we initially stated in our April 20, 1995 letter. We reiterate that Syracuse University is not obligated to correct such interference, although we encourage the University to continue to do as a "good neighbor".²⁰

18. **City Building Permits.** In its February 16, 1996 pleading, WTVH alleged (later echoed by SEUNA and Oldfield/SEUNA) that Syracuse University had failed to secure all the local building and electrical permits required for the construction of its facility. Subsequently, on April 2, 1996 Syracuse University advised that it has secured all the required city permits.²¹ As this issue is a purely local matter, and does not fall within the FCC's jurisdiction, it does not have any impact on the consideration of the WAER license and renewal applications. In any event this issue has been long resolved, and the objections pertaining to this issue will be denied.

19. **Lack of Candor/Misrepresentation by WAER.** Several objectors have, at various points, accused Syracuse University and WAER of not properly tabulating complaints sent to the University for evaluation, or of mischaracterizing the nature of the complaints or the outcome of the remedies supplied by the University. An intent to deceive is a necessary component of a finding of misrepresentation or lack of

¹⁷ WAER currently maintains some interference information on its website at <http://www.waer.org/interfer.html>. It is not clear whether WAER still mails technical information to recent complainants.

¹⁸ In 1994 the FCC conducted a telephone survey to determine which models would best withstand interference from various sources (<http://www.fcc.gov/ftp/Reports/rpts4002.txt>). The Commission listed two phones that were particularly immune to interference. This telephone equipment is still available: see Pro Distributors at <http://www.prodistributors.com/rfi.html> and TCE Laboratories at (830)-899-4575.

¹⁹ The *Notice of Proposed Rulemaking* in MM Docket 96-62, 11 FCC Rcd 4570 (1996) proposes to codify excluded devices in a rule section. These include malfunctioning or mistuned receivers, improperly installed antenna systems, antenna booster amplifiers, mobile receivers, car radios, musical instrument amplifiers, all telephones and answering machines, digital or analog tape recorders, CD players, phonographs, and computers.

²⁰ Many devices are not designed to reject a strong unwanted FM signal. This is a result of the device's design and does not represent improper operation by the FM station. In such cases, the manufacturer of the device may be able to provide assistance toward resolving the interference.

²¹ The April 22, 1998 informal objection of Roy A. Bernardi, Mayor of Syracuse, NY against WAER's renewal application indicates that the city has "investigat[ed] and enforce[ed] every local code."

candor that would underlie a challenge to an applicant's basic qualifications.²² A review of all the pleadings submitted to date does not show any intentional deception. It is clear that Syracuse University greatly underestimated the extent, number, and diversity of interference complaints it would receive from its increased-power operation, and that the University has struggled to keep track of the large number of complaints from various, conflicting, and often hostile sources. However, this confusion cannot be characterized as misrepresentation. The record indicates that Syracuse University has attempted to respond in some fashion to each complaint that it received, and that the University has invested substantial sums of money and effort in its attempts to resolve the ongoing blanketing interference problems. Based on our review, we find that Syracuse University has conducted its efforts in good faith, and that no issue of misrepresentation exists.

20. Remaining Issue – Efficacy of Syracuse University's Interference Mitigation Efforts. Having reviewed all the pleadings before us, we conclude that the sole issue that remains undecided is whether Syracuse University / WAER's efforts constitute effective technical assistance as required by Section 73.318. Despite the University's protracted and often repeated efforts to resolve the blanketing interfering complaints, the pleadings suggest that numerous complainants still have blanketing interference attributable to WAER's operation to over-the-air radio and television reception.

21. Before we decide whether Syracuse University and WAER have met their obligations under Section 73.318, we request a detailed summary from the University regarding its efforts over the past several years and the effectiveness of those efforts. The summary should generally address, at a minimum, the following items:

1. Interference complaints to over-the-air reception of radio and television reception in areas **within** the WAER FM blanketing interference contour; what actions have been taken to resolve such blanketing interference; how effective those efforts have been.
2. Interference complaints to over-the-air reception of radio and television reception in areas **outside** the WAER FM blanketing interference contour; what actions have been taken to resolve such blanketing interference; how effective those efforts have been.
3. List of the types of equipment or techniques that have been found effective in reducing or eliminating interference, where to obtain such items, and how WAER communicates that information to past or current complainants.

Syracuse University is encouraged to provide documentation to support its conclusions in response to the above items. This summary must be filed no later than **May 2, 2005**. The objectors will then have a further 30 day period, until **June 1, 2005**, to file a response. Syracuse University will then have a further 15 day period, until **June 16, 2005**, to file a final reply to the responses. Requests for extensions of time to file the summary or any later responses will not be granted, inasmuch as the parties have already had years to state their respective cases. Pleadings shall be limited to the subject of blanketing interference to over-the-air reception of radio and television;²³ additional matters raised therein (whether or not previously raised) will not be considered by the staff.

²² *LUJ, Inc.*, 17 FCC Rcd 16980, 16982 (2002), citing *Liberty Productions, A Limited Partnership*, 16 FCC Rcd 12061, 12079-80 (2001) and *Georgia Public Telecommunications Commission*, 7 FCC Rcd 2942 (Rev. Bd. 1992), review denied, 7 FCC Rcd 7996 (1992).

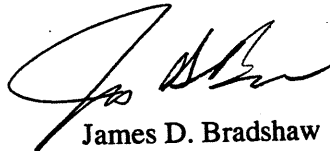
²³ We will only be concerned with those radio or television stations whose service contour covers the blanketing interference area, such as WCNF-FM, Syracuse, NY and WTVH, Channel 5, Syracuse, NY. Thus WRVO, whose 60

22. **Renewal Application for WAER (BRED-19980202ZE).** A decision on whether to grant the renewal application will be made at the same time we act on license application BLED-19950203KA.

23. **Conclusions.** The informal objections of Oldfield, Oldfield/SEUNA, WTVH, Adelphia Cable (and its successor Time-Warner) ARE DENIED insofar as the objections pertain to matters other than blanketing interference under Section 73.318 to over-the-air reception of radio and television stations. Similarly, the collected complaints submitted by WRVO, when considered as an informal objection, ARE DENIED.

24. Syracuse University has until **May 2, 2005** to submit a summary of its efforts to resolve the interference, as set forth in Paragraph 21. Objectors will have an opportunity to respond as set forth in that paragraph. This request for additional information does not imply any judgment at this time on the outcome of license application BLED-19950203KE and renewal application BRED-19980202ZE, or whether WAER will ultimately be permitted to continue with its present 50 kW directional operation.

Sincerely,



James D. Bradshaw
Deputy Chief
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cc: Service List (Attached)

dBu service contour does not cover this area, need not be considered.

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